

Section 1-21-24 FEE-IN-LIEU PROGRAM

A. *Creation and Administration:* There is hereby created a Frederick County Forest Conservation Fund that shall be referred to as "Fee-in-Lieu Program", and which shall accept payments known as "fee-in-lieu" payments. The Department shall administer the Fee-in-Lieu Program.

B. *Application:* An Applicant required by Section 1-21-41 or 1-21-42 of this Ordinance to conduct forestation may make a payment to the Fee-in-Lieu Program of 0.35 per square foot of the area of required planting upon determination by the Department, based on the Applicant's demonstration, that forestation or forest mitigation cannot reasonably be accomplished by the Applicant on-site or off-site, as provided in Section 1-21-40.

C. *Timing Of Payment:* Money contributed in lieu of forestation under this Section shall be paid prior to the release of grading or sediment and erosion control permits, or prior to recordation of subdivision plats, whichever is earlier.

D. *Expenditure of Fees:*

(1) The County shall expend or encumber the Fee-in-Lieu money within 3 (three) growing seasons after receipt of the money. Funds shall be used for documented tree planting or purchase of Forest Banking Program Credits.

(2) Money contributed under this Section:

(a) May be used for forestation, including site identification, acquisition, preparation, and maintenance;

(b) Shall be deposited in a separate Fee-in-Lieu account; and

(c) Shall not revert to the General Fund; and shall not be used to administer the Forest Banking Program, but may be used to purchase Forest Banking credits.

(3) Sites for forestation using Fee-in-Lieu money will be sought in the County and watershed in which the original project is located. If this cannot be reasonably achieved, the monies may be used to accomplish forestation anywhere in the County or the State, or to buy Forest Banking credits.